

## Title 13 PUBLIC SERVICES

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### Chapter 13.04 WATER SERVICE SYSTEM

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**13.04.010 Regulations.**

A. The city council shall establish by resolution such regulations governing the water system of the city, the manner of making connections to the system, the materials to be used in making such connections, and other regulations as may be necessary for the operation of the water system.

B. In the absence of a duly appointed water superintendent, the public works director or his or her agent shall act in the place of the superintendent. (Prior code § 6-6-1)

**13.04.020 Rates and connection fees.**

The rates, special expense fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection to and services from the city water system shall be fixed periodically by resolution of the city council. Each person using city water services shall pay these amounts in exchange for water service. The city council may periodically promulgate additional rules for levying, billing and collecting charges for water services. Rates for services furnished shall be uniform with respect to each class or classes of service. (Prior code § 6-6-2)

**13.04.030 Special rates.**

The city council may periodically fix by agreement or resolution special rates and conditions for persons using exceptionally large amounts of water service or making use of the water system under exceptional circumstances. (Prior code § 6-6-3)

**13.04.040 Board of equalization.**

The city council is constituted a board of equalization of water rates to hear complaints and make corrections of any assessments alleged to be illegal, unequal, or unjust. (Prior code § 6-6-4)

**13.04.050 Application for water service.**

A. Any person desiring to secure water service from the city water department, when such service is available, shall apply therefore to the city recorder and file an agreement with the city which shall be in a form approved by the city.

B. All applications for water service shall be made by the owner of the premises to which water is being supplied, or by his or her agent or authorized representative.

Upon submitting an application for water service, each applicant shall deposit an amount which shall be fixed periodically by resolution of the city council. In the event the user shall fail to pay his or her water, garbage collection or other city utility charges, this deposit shall be applied to the payment of any such delinquent sums and charges therefore. The applicant shall, upon written demand of the city, repay to the city any portion of the deposit so applied. Upon

termination of services, this deposit shall be returned without interest to the depositor if all such charges have been paid. (Prior code § 6-6-5)

#### **13.04.060 Application for water connection by subdivider.**

Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement. This agreement shall constitute an application for permission to make the extensions and connections. The agreement shall specify the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required. (Prior code § 6-6-6)

#### **13.04.070 Service outside city limits.**

The city may furnish water service from its water system to persons outside the city in accordance with the provisions of this section.

A. Petition for Service. Any person located outside the city limits who desires to be supplied with water service from the city water system and is willing to pay in advance the whole expense of extending the water system to his or her property, including the cost of extending any water main beyond its present location, may make application to the city council by petition containing:

1. A description of the proposed extension;
2. A map showing the location thereof;
3. An offer to pay the whole expense incurred by the city in providing such extension and to advance such expense as shall be verified to by the water superintendent; and
4. An acknowledgement that the city in granting the petition need supply only a portion of that water which is in excess of the needs of water users within the city limits and that such extension shall be the property of and subject to the control of the city.

The city council and the persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be used by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded.

B. Cost of Extension and Rates for Service Outside City. Upon receipt of such petition and map and before the petition is granted, the city council shall determine what portion, if any, of the extension of the city's water mains to the city limits the city shall construct. The city council shall obtain from the water superintendent a verified statement showing the whole cost and expense of making the extension. Such costs and expenses shall include administrative and supervisory expenditures of the city water department, which shall in no event be deemed to be less than ten (10) percent of the cost of materials and labor. The city shall also determine the rates to be charged for water service outside the city limits. (Prior code § 6-6-7)

#### **13.04.080 Free access to premises by superintendent.**

The superintendent or his or her agent shall have free access during proper hours to any property or premises to which water is furnished for the purpose of inspecting the plumbing apparatus or equipment which furnishes water to the premises. (Prior code § 6-6-8)

#### **13.04.090 Billing for utility services.**

The city treasurer or city recorder shall mail a written statement to each user of water, garbage collection or other service of the city once each month or such other regular interval as the city council shall direct. This statement shall separately specify the amount of the bill for the water service, garbage collection or other utility service and the place of payment and date due. If any person fails to pay his water, garbage collection or other city utility service charge within thirty (30) days of the date due, the account is deemed delinquent. The city treasurer or city recorder shall identify delinquent accounts on the 15th of each month for the prior month. Notice to delinquent accounts shall be sent to the utility customer with full payment being required within fifteen (15) calendar days. If no response is received from the utility customer, the city treasurer or recorder shall direct the water department to shut off all water service to the premises, by providing twenty-four (24) hour notice with a door hanger. Before water service shall be reinstated, all delinquent water, garbage collection and other utility service charges must have been paid to the city treasurer or city recorder, together with a special expense fee. The amount of this fee shall be set periodically by resolution of the city council. The city treasurer or recorder is authorized and empowered to enforce the payment of all delinquent water, garbage collection, and/or other utility service charges by an action of law in the corporate name of the city. The city treasurer or city recorder shall provide for and give notice of the appropriate procedure for resolving disputed bills. Services that have not been paid and have been shut off for a period of six consecutive months shall be deemed uncollectable and will be expensed as bad debt. (Ord. 264-00 (part): prior code § 6-6-9; amended by City Council on March 16, 2010 per Ord. 318-10)

#### **13.04.100 Water meters.**

All structures using water from the city water system must have a sufficient number of meters connected to their water systems as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective water users. Meters will be furnished by the city at the expense of the property holder, at rates established periodically by resolution, and shall be under the control of the water superintendent. In the event of a dispute between the superintendent and property owner as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the city council after due notice in writing to the parties involved. (Prior code § 6-6-10)

#### **13.04.110 Turning off water.**

Water services shall be turned off for users who commit or allow any prohibited acts or undertake or allow any prohibited uses with respect to the water system; or within two days after notice from the superintendent, fail to repair any service connection or plumbing on the premises; or shall fail to comply with any regulations or restrictions with respect to the use of water; or shall fail to pay within the time fixed by ordinance or resolution, the rates specified for such water. Upon five days notice, the water superintendent or his or her agent shall shut off water to the user's premises.

When water is shut off for reason of defective plumbing or unrepaired water fixtures on the premises, the water shall not be turned on again until the same have been repaired in accordance with the requirements of the superintendent. (Prior code § 6-6-11)

#### **13.04.120 Quality of service pipe.**

The underground service and other pipes which extend from the water meter to the structure served shall be of copper, or polyethylene unless ordered otherwise by resolution of the city council. Such pipes shall be laid not less than four feet below grade and shall be of sufficient strength to withstand the water pressure. No more than one extension or connection from the meter shall be made, except by permission of the city council. (Ord. 264-00 (part): prior code § 6-6-12)

#### **13.04.130 Pipes to be kept in good repair.**

All water users at their own expense shall keep their service pipe connections and other apparatus in good repair and protected from frost. However, no person, except under the direction of the water department, shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe. (Prior code § 6-6-13)

#### **13.04.140 Extension and connection permits required.**

It is unlawful for any person to extend any existing pipe or connect any pipe or fixture to the water system of the city for any purpose whatever; or to use, alter, disturb or make any opening into the water system for any reason without first obtaining a permit therefor from the city. All persons must report any plumbing work which connects to the city water system within twenty-four (24) hours after completing the work. (Prior code § 6-6-14)

#### **13.04.150 Culinary purposes supplied first.**

Water shall be supplied first for culinary purposes and all other uses shall be secondary thereto. (Prior code § 6-6-15)

#### **13.04.160 Sprinkling lawns.**

Water for sprinkling lawns shall be furnished through a nozzle, or other appliance, not larger than one-fourth of an inch in diameter, and no sprinkling shall be allowed, except in connection with other water service. In times of water scarcity and when deemed necessary by the city council, the mayor may limit and regulate by proclamation the use of water for lawn sprinkling. (Prior code § 6-6-16)

#### **13.04.170 City not liable for damage.**

The city shall not be liable for any damage to a water user by reason of stoppage or interruption of water supply caused by fires; scarcity of water; accidents to works or mains; water system alterations, additions, repairs; or from any other unavoidable cause. (Prior code § 6-6-17)

#### **13.04.180 Water from nonmetered connections.**

A. No water service shall be supplied to any private person through a fire hydrant, a nonmetered connection, or other connection designed primarily for the use of the city, except upon a special written permit issued by the water superintendent. Water service so permitted may be supplied only temporarily for a period not exceeding sixty (60) days. Upon a showing that the necessity therefore continues without fault of the consumer, this permit may be extended for successive periods.

B. Such temporary water service may be rendered only through facilities and connections provided and connected by the water department and must be so designed and installed as to permit continued use of the fire hydrant or other connection for its primary purpose. (Prior code § 6-6-18)

#### **13.04.190 Non-recirculating air conditioning systems.**

Air conditioning systems or equipment which do not provide for the recirculation of water used therein shall not be connected to the city water system. (Prior code § 6-6-19)

#### **13.04.200 Prohibited acts and uses.**

A. It is unlawful for any person, his or her family, or his or her agents to use the city water system, garbage facilities, or other utility services without paying therefor, as herein provided.

B. It is unlawful for any person without proper authorization to open any fire hydrant, stopcock, valve or other fixtures attached to the system of water supply.

C. Impairment of System. It shall also be unlawful for any person to injure, damage, destroy, deface or interfere with any of the property of the waterworks system or to cast anything into any reservoir or tank or service line belonging to the water system.

D. Fixtures and Fittings. It is unlawful for any person to use any kind of fitting, stopcock, drawcock or other equipment in connection with the water system, except as prescribed by the water department, or to tamper with or change the connection to any water meter. It shall also be unlawful for any person to open or take water from any fire hydrant in the city without prior authorization from the fire chief or the water superintendent.

E. Waste of Water. No person, unless authorized by the city council, shall turn on or discharge water from any fire hydrant, and no water user or other person shall waste water or allow it to be wasted by imperfect stops, taps, valves, leaky joints or pipes; or to allow tanks or watering troughs to leak or overflow; or to wastefully run water from hydrants, faucets, or stops through basins, water closets, urinals, sinks or other apparatus. Furthermore, no person shall use any water from the water system except for culinary and domestic purposes, including lawn sprinkling, unless so authorized by the city council. Nor shall any person use water for purposes other than those for which he or she has paid, or use water in violation of the rules and regulations adopted by the city council.

F. Interference with Superintendent of Waterworks System. It is unlawful for any person to interfere with, molest, hinder or obstruct the superintendent, or any of his or her agents, while in the performance of his or her duties.

G. Unlawful to Befoul, Pollute or Contaminate Water. It is unlawful for any person to be foul, pollute or contaminate city water, or to in any manner interfere with the flow thereof, or with its control or distribution.

H. Turning On Water After Turned Off by City. It is unlawful for any person, after the water has been turned off from his or her premises for nonpayment of water charges, or other violation of the ordinances, rules, regulations or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the superintendent or recorder.

I. Unauthorized Users. It is unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his or her premises or water facilities, either outside or inside his or her premises.

J. Outlets and Sprinklers. It is unlawful to use simultaneously such number or combination of outlets or sprinklers as the city council shall by regulation specify when, in the opinion of the council, their use will materially affect the pressure or supply of water in the city water system, or any part thereof. After a determination that such improper use exists, the water superintendent shall notify the affected water user, or the owner of the premises whereon such use occurs, of the determination in writing and order such use discontinued. The superintendent shall further advise him that such continued usage constitutes a violation of this chapter.

K. Separate Connections. It is unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the city council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of water until compliance or payment has been made. In any event, the property owner shall be primarily liable to the city for all water services used on all such premises. Furthermore, nothing herein shall be deemed to preclude the power of the city to require separate pipes, connections or meters at a subsequent time. (Prior code § 6-6-20)

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## Chapter 13.08 DRINKING WATER SOURCE PROTECTION

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13.08.120 Enforcement--Inspections.

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### **13.08.010 Short title.**

This chapter shall be known as the "drinking water source protection ordinance" (the "ordinance"). The provisions of this chapter shall be effective within the municipal boundaries of West Bountiful City, Utah. (Ord. 250-98 § 1.1)

### **13.08.020 Applicability.**

It shall be the responsibility of any person owning real property and/or operating a business within the jurisdiction of the city to conform and comply with the applicable provisions contained in this chapter.

Ignorance of this provision shall not excuse any violations of this chapter. (Ord. 250-98 § 1.2)

### **13.08.030 Authority.**

The city has authority to adopt the ordinance codified in this chapter in order to facilitate compliance with the drinking water source protection regulations promulgated pursuant to Utah Administrative Code, Section R309-113, and pursuant to authority set forth in the Utah Land Use Development and Management Act, Section 10-9-102, Utah Code Annotated, 1953, as amended, and other applicable statutory and common laws of the state of Utah. (Ord. 250-98 § 1.3)

### **13.08.040 Purpose.**

A. Purpose. The purpose of this chapter is to insure the provision of a safe and sanitary drinking water supply for the city by the establishment of drinking water source protection zones surrounding the wellheads for all wells which are the supply sources for the city water system, and by the designation and regulation of property uses and conditions which may be maintained within such zones. Unless otherwise specified, the provisions of this chapter apply to new development and/or the handling, movement, and storage of potentially hazardous materials.

B. Protection. The degree of protection afforded by this chapter is considered adequate for regulatory purposes. This chapter does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the city, or any officer or employee thereof, for any damages to the public water supplies arising out of reliance on this chapter or any administrative order lawfully made hereunder.

C. Compliance with Other Applicable Laws. A notice to cease or an exemption issued under this chapter shall not relieve the owner of the obligation to comply with any other applicable federal, state, regional or local law or regulations, rules, ordinances, laws or requirements, nor shall any such notice or exemption relieve any owner of any liability for violation of such regulations, rules, ordinances, laws or requirements. (Ord. 250-98 § 2)

### **13.08.050 Definitions.**

When used in this chapter the following words and phrases shall have the meanings given in this section:

**"Best management practices (or BMP)"** means a practice or combination of practices determined to be the most effective practicable means of preventing or reducing the amount of pollution to a level compatible with water, soil, and air quality goals (including technological, economic, and institutional considerations).

**"Code"** means the West Bountiful Municipal Code, as amended.

**"Code inspector"** means any authorized officer, employee or agent of the city whose duty is to assure code compliance.

**"Continuous transit"** means the nonstop movement of a mobile vehicle except for stops required by traffic laws.

**"Council"** means the city council of West Bountiful City, Utah.

**"Department"** means the West Bountiful City public works department.

**"Design standard"** means a control which is implemented by a person having a potential contamination source to prevent discharges to the groundwater. Spill protection is an example of a design standard.

**"Discharge"** means, but is not limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing or dumping regulated substances to the soils, air, groundwaters or surface waters of the city. Discharge does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substances; provided that such use is not prohibited by federal, state or local laws or regulations. Discharge also does not include discharges specifically authorized by federal or state permits.

**"Drinking water source protection review committee"** means that certain committee comprised of the city administrator, city engineer and such other officers or employees of the department as the council may designate.

**"Drinking water source protection zone"** means an area within which certain practices are mandated to protect groundwater flowing to public drinking water wells.

**"DWSP"** means drinking water source protection.

**"EPA"** means the United States Environmental Protection Agency.

**"Groundwater"** means any water which may be drawn from the ground.

**"Groundwater divide"** means the subsurface boundary at which groundwater flow occurs in opposite directions, usually occurring at the high and low points of surface topography. Groundwater flows away from this line at all times.

**"Hazardous waste"** means any hazardous waste as defined by the EPA.

**"Land management strategies"** means zoning and nonzoning controls which include, but are not limited to the following: zoning and subdivision ordinances, site plan reviews, design and operating source prohibitions, purchase of property and development rights, public education programs, groundwater monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

**"Person"** means an individual, firm, partnership, corporation, association, joint venture, governmental entity or other legal entity, and shall include the plural as well as the singular.

**"Petroleum product"** means fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum-based products.

**"Pollution source"** means point source discharges of contaminants to groundwater or potential discharge of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, Class V underground injection wells, landfills, open dumps, land filling, of sludge and septage, manure piles, slat piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

1. **"Animal feeding operation"** means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.
2. **"Animal unit"** means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the numbers of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over fifty-five (55) pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
3. **"Extremely hazardous substances"** means those substances which are identified in the Sec. 302(EHS) column of the "Title III List of Lists - Consolidated List of Chemicals Subject to Reporting Under SARA Title III" (EPA 560/91-011).

**"Potential contamination source (or PCS)"** means any facility or site which employs an activity or procedure which may potentially contaminate groundwater. A pollution source is also a potential contamination source.

**"Protection zone"** means the delineation zones of the drinking water source protection zone, as set forth in Section 13.08.060.

**"Regulated substances"** means substances (including degradation and interaction products) which because of quantity, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), or infectious characteristics, radio mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristics relevant to a particular material that may cause significant harm to human health and/or the environment (including surface and groundwater, plants and animals).

**"Regulatory agency"** means any governmental agency with jurisdiction over hazardous waste as defined herein.

**"Sanitary landfill"** means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

**"SARA"** means the Superfund Amendment and Reauthorization Act, Title III, 40 CFR 300-302.

**"Septic tank/drainfield systems"** means a system which is comprised of a septic tank and a drain-field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.

**"Well"** means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of groundwater.

**"Wellhead"** means the upper terminal of a well, including adapters, ports, seals, valves and other attachments. (Ord. 250-98 § 3)

#### **13.08.060 Drinking water source protection zones.**

There is established use districts to be known as zones one, two, three and four of the drinking water source protection area, identified and described as follows:

- A. **Zone One.** Zone one is the area within a one hundred (100) foot radius from the wellhead.
- B. **Zone Two.** Zone two is the area within a two hundred fifty (250) day groundwater time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
- C. **Zone Three.** Zone three (waiver criteria zone) is the area within a three year ground-water time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
- D. **Zone Four.** Zone four is the area within a fifteen (15) year groundwater time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer. (Ord. 250-98 § 4)

#### **13.08.070 Uses within drinking water source protection zones.**

**Unlawful Discharges.** No person shall discharge, or permit the discharge of any regulated substances or petroleum products, whether treated or untreated, to soils, air, groundwater or surface water in any protection zone, that may have a deleterious effect upon groundwater within the city, unless the discharge is in compliance with all applicable federal, state and local laws and regulations.

B. **Permitted Uses.** The following uses shall be permitted within drinking water source protection zones:

- 1. Any use permitted within existing agricultural, single-family residential, multifamily residential, and commercial districts so long as such uses conform to the rules and regulations of any regulatory agency having jurisdiction;
- 2. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

C. **Prohibited Uses.** The following uses or conditions are prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under subsection B of this section.

- 1. Zone one: the location of any pollution source as defined herein.
- 2. Zone two: the location of a pollution source unless its contaminated discharges can be controlled with design standards.

3. Zones three and four: the location of a potential contamination source unless it can be controlled through land management strategies.

D. Reporting of Spills. Any spill of a regulated substance in excess of the non aggregate quantity thresholds established by the List of Hazardous Waste (40 CFR part 261, Subpart D), 40 CFR Appendix VIII - Hazardous Constituents and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances under CERCLA (40 CFR 302, effective July 3, 1986), shall be reported by telephone to the city within one hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the city within fifteen (15) days of discovery of the spill.

E. Best Management Practices. Under the provisions of this chapter, all potential contamination sources within the city's boundaries shall incorporate and utilize best management practices in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this chapter to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah Department of Environmental Quality, Division of Drinking Water and the EPA. (Ord. 250-98 § 5)

#### **13.08.080 Administration.**

Except as otherwise provided herein, the policies and procedures for administration of any protection zone established under this chapter, including without limitation those applicable to nonconforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for the city, as the same is presently enacted or may from time to time be amended. (Ord. 250-98 § 6)

#### **13.08.090 Exclusions.**

The following substances are not subject to the provisions of this chapter, provided that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized discharge or cause contamination of the groundwater.

A. Required substances stored at residences that do not exceed ten (10) pounds or five (5) gallons and used for personal, family or household purposes;

B. Commercial products limited to use at the site solely for office or janitorial purposes when stored in total quantities of less than twenty (20) pounds, or ten (10) gallons;

C. Prepackaged consumer products available through retail sale to individuals for personal, family or household use, that are properly stored;

D. Water-based latex paint;

E. Fertilizers and treated seed;

F. Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment or similar applications when applied in accordance with manufacturer's instructions, label directions, and nationally recognized standards;

G. Compressed gases;

H. Substances or mixtures which may pose a hazard but are labeled pursuant to the Federal Food, Drug, and Cosmetic Act. (Ord. 250-98 § 7.1)

#### **13.08.100 Exemptions.**

The following are exempt from the provisions of this chapter:

A. Continuous transit. The transportation of any regulated substance(s) through any drinking water protection zone shall be allowed provided that the transporting vehicle is in continuous transit.

B. Vehicular and Lawn Maintenance Fuel and Lubricant Use. The use of any petroleum products solely as an operational fuel in the vehicle or lawn maintenance fuel tank or as a lubricant in such a vehicle shall be exempt from the provisions of this chapter. These spent products shall be properly disposed of in compliance with applicable federal, state, and local laws and regulations. (Ord. 250-98 § 7.2)

#### **13.08.110 Nonapplicability of exclusions and exemptions.**

The exclusions set forth in Section 13.08.090 and the exemptions set forth in Section 13.08.100 above shall not apply to Zone 1. (Ord. 250-98 § 7.3)

#### **13.08.120 Enforcement--Inspections.**

The department is granted the right to enforce the provisions of this chapter on behalf of the city. The code inspector has the right to conduct inspections to determine compliance with the provisions of this chapter. The code inspector shall inform the department and other city officials and entities, as deemed appropriate, of the results of the inspection and whether violations were noted. The code inspector shall enforce the provisions of this chapter without regard to whether the wells within the city boundaries are owned by the city.

Noncompliance with the provisions of this chapter is a violation of this chapter. In the event any person is found to be in noncompliance with the requirements of this chapter, penalties (e.g., citations of noncompliance, orders to cease operations or administrative penalties) may be assessed.

This chapter regulates businesses within the drinking water source protection zones within the city. (Ord. 250-98 § 8.1)

#### **13.08.130 Violations--Penalties.**

Whenever it is determined that there is a violation of this chapter or the regulations promulgated pursuant hereto, then:

A. Any person found to be in violation of any provisions of this chapter will be served with a written notice stating the nature of the violation and providing a reasonable time frame for compliance. The department will deliver notice to the violator. The notice of violation shall:

1. Be in writing;
2. Be dated and signed by the code inspector that made the inspection or determined the violation;

3. Specify the violation or violations;
4. Provide a specific date that the violations will be corrected by;
5. State that if the violation is not corrected by a specific date a hearing may be requested before the department.

B. If the violation does not pose an immediate threat to public health, then a written warning of violation may be issued within thirty (30) days. The violator has the opportunity to show a good faith effort to correct an unintentional violation within a reasonable amount of time.

C. In the event of a discharge of a regulated substance, if the department deems the activity to pose a real and present danger of contaminating surface or groundwater which would normally enter the public water supply, the department has the authority under this chapter to cause the immediate cessation of the activity or use of such regulated substance, require administrative controls to mitigate the danger and/or initiate other pollution control and abatement activities which it deems necessary in its discretion.

D. A facility is in violation of this chapter, if use of regulated substances in a drinking water source protection zone exceeds twenty (20) gallons or one hundred sixty (160) pounds at any time. The total use of regulated substances may not exceed fifty (50) gallons or four hundred (400) pounds in any twelve (12) month period.

E. A cease and desist order shall be issued by the department if the violator is found not to employ BMP and there is an immediate threat to public health and safety or if the violation is not corrected within the time frame specified in a written warning previously issued to the violator. In the event the violator fails to comply with a cease and desist order within the specified time period, the department has the authority to initiate proceedings for issuance of penalties and other relief as necessary.

F. Violations of the provisions of this chapter constitute a misdemeanor, punishable as provided by law. (Ord. 250-98 § 8.2)

#### **13.08.140 Appeals.**

Persons cited under the enforcement provisions of Section 13.08.130 shall be afforded a process for appealing the ruling of the department.

A. If the appeal pertains to a written warning of violation requesting the violator to correct an unintentional violation in a reasonable amount of time, the appellant can submit to the department a written statement demonstrating compliance or explaining a process for coming in to compliance. This written response is required no later than thirty (30) days from the date of issuance of the warning.

B. If the appeal pertains to a cease and desist order issued by the department, the appellant may submit a written appeal response no later than ten (10) days from the date of issuance of the order.

C. The written appeal shall contain:

1. Documentation of compliance; or

2. A response to the specific violations cited in the cease and desist order and the remedial actions planned to bring the facility into compliance; and

3. A reasonable schedule for compliance.

D. Upon receipt of the written appeal, the department shall be required to review the appeal within ten (10) days of its receipt and respond to the appellant. If the department determines that the written response from the appellant is adequate and noncompliance issues are addressed, the appellant will be notified by mail and no further action is required. If the department determines that the appeals response is inadequate, the appellant may request a hearing before the department. This hearing shall be held within thirty (30) days of receiving the cease and desist order and shall remain in effect until the hearing is conducted. (Ord. 250-98 § 8.3)

#### **13.08.150 Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and other restrictions, including land use codes or development regulations, conflict or overlap, whichever imposes the most stringent restrictions shall prevail. (Ord. 250-98 § 9.1)

#### **13.08.160 Disputes.**

Disputes arising from the delineation of drinking water source protection zones shall be directed to the drinking water source review committee to review specific detailed delineation maps showing the boundaries. The boundaries shall be defined, for ease of implementation of this chapter at least once every five years, or more frequently if determined appropriate by the city, to determine its applicability. The city may incorporate changes as deemed appropriate. (Ord. 250-98 § 9.2)

#### **13.08.170 Review of chapter provisions.**

The city and the drinking water source review committee, in consultation with all water utilities whose wells and/or springs lie within the city's boundaries, shall review the provisions of this chapter at least once every five years, or more frequently if determined appropriate by the city, to determine its applicability, and may incorporate changes as deemed appropriate. (Ord. 250-98 § 9.3)

#### **13.08.180 Liability.**

Any person subject to regulation under this chapter shall be liable with respect to regulated substances emanating on or from the person's property for all cost of removal or remedial action incurred by the city or the department and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the release or threatened release of a regulated substance as defined by this chapter. Such removal or remedial action by the city or the department may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment and cleanup or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting or dumping of any regulated substance or material which creates an, or is expected to create, an emergency or hazardous situation. (Ord. 250-98 § 10)

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### **Chapter 13.12 IRRIGATION SYSTEM AND NATURAL WATERCOURSES**

Sections:

13.12.010 Prohibited uses of non-potable or irrigation water.

13.12.020 Damming or obstructing water course or stream.

13.12.030 Permit necessary for culvert or other obstruction.

**13.12.010 Prohibited uses of non-potable or irrigation water.**

It is unlawful for any person to:

- A. Use or cause to be used any untreated or nonpotable water from a pressure irrigation system for other than irrigation purposes;
- B. Interconnect or cause to be interconnected the potable and nonpotable portions, distribution systems or service lines of dual water supplies or extensions thereof;
- C. Install or cause to be installed in the same trench or trenches the distribution or service lines of potable and nonpotable water;
- D. Connect or cause to be connected a service line to any distribution system or main line carrying nonpotable water without authority of the district, municipality, company or person having jurisdiction of the nonpotable water supply;
- E. Extend or cause to be extended into any building a nonpotable water supply system or service line;
- F. Connect or cause to be connected to any fire hydrant, a nonpotable water supply or service line;
- G. Expose or cause to be exposed any portions of a nonpotable water supply, or extensions or service lines thereof, without identifying the same by distinctive coloring or other suitable means sufficient to distinguish the same from potable water supply systems, extensions or service lines; or
- H. Contaminate or cause to be contaminated any source of supply, service line, or distribution system furnishing or carrying nonpotable water or potable water. (Prior code § 6-8-1)

**13.12.020 Damming or obstructing water course or stream.**

It is unlawful for any person to place, replace or maintain any dam or other obstruction of any kind in the channel of any natural or artificial water course or living stream within the limits of the city so as to interfere with or impede the flow of the water therein, without first obtaining a permit from the city council. (Prior code § 6-8-2)

**13.12.030 Permit necessary for culvert or other obstruction.**

Any person desiring any permit to build a dam or place a culvert or other obstruction in a water course or stream shall file a petition with plans and specifications for the construction of the same. No such permit shall be issued until the plans and specifications have been approved by the city engineer or the city council. (Prior code § 6-8-3)

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## Chapter 13.16 SEWER SYSTEM

### Sections:

#### Article 1. Sewer Regulations

13.16.010 Owner required to connect to sewer.

13.16.020 Permit required.

13.16.030 Independent service lines necessary.

13.16.040 Discharging excessive water into sewer.

13.16.050 Damage to sewer system.

13.16.060 Authorization necessary to reconnect.

13.16.070 Authorized representatives to have free access.

#### Article 2. Effluent Discharge and Monitoring

13.16.080 Purpose and policy.

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13.16.140 District's right of revision.

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13.16.170 Written notice.

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13.16.190 Wastes from industrial sites discharged to a POTW by truck, rail, or dedicated pipeline.

13.16.200 Domestic waste haulers.

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13.16.240 Reporting requirements for permittee.

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13.16.300 Enforcement authority.

13.16.310 Administrative enforcement.

13.16.320 Harmful contributions.

13.16.330 Revocation of permit.

13.16.340 Notification of violation.

13.16.350 Methods of notification.

13.16.360 Show cause hearing.

13.16.370 Civil penalties.

13.16.380 Criminal penalties--Violating article or falsifying information.

13.16.390 Building permits.

13.16.400 Assessment of penalties against violating industrial users.

## **Article 1. Sewer Regulations**

### **13.16.010 Owner required to connect to sewer.**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, commercial, industrial or other like purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer, owned and operated by the city or owned or operated by any special improvement sanitary sewer district, is required, at his or her expense, to install suitable toilet facilities therein. The owner shall also connect such facilities directly with the proper public sewer within ninety (90) days after the date that the public sewer is available for use; provided, that the public sewer line is within three hundred (300) feet of any such building discharging sanitary or industrial waste. All such connections shall be made in accordance with the provisions of this article. (Prior code § 6-11-1)

### **13.16.020 Permit required.**

No unauthorized person shall uncover, use, alter, disturb or make any connections with or opening into any public sewer or appurtenance thereof for any reason without first obtaining a written permit from the district or the owner of such sewer facilities. (Prior code § 6-11-2)

### **13.16.030 Independent service lines necessary.**

A separate and independent service lateral shall be provided for every building, except when one building stands at the rear of another or on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The service lateral from the front building may be extended to the rear building and the whole considered as one service lateral. (Prior code § 6-11-3)

### **13.16.040 Discharging excessive water into sewer.**

It is unlawful for any person to discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, or subsurface drainage into any sanitary sewer.

Such storm water and all other unpolluted drainage shall be discharged to specifically designated as storm sewers, or to a natural outlet consisting of water courses, ponds, ditches, lakes or other bodies of surface or ground water provided for receiving the same. (Prior code § 6-11-4)

### **13.16.050 Damage to sewer system.**

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of a sanitary sewer facility or sewage works, or remove any manhole cover therefrom. (Prior code § 6-11-5)

### **13.16.060 Authorization necessary to reconnect.**

It is unlawful for any person, after sewer service to any premises has been discontinued or disconnected for any reason whatsoever, to reconnect or resume such service or for the owner or occupant of such premises to allow the same to be reconnected or resumed without prior authorization of the district or other owner of such sanitary sewer. (Prior code § 6-11-6)

### **13.16.070 Authorized representatives to have free access.**

At reasonable hours, free access shall be allowed to authorized representatives of the district or other owner of such sanitary sewer to inspect and examine such facilities, including service laterals connected to the building; to inspect the plumbing and facilities therein and the manner of use of such sewer facilities; and to determine compliance with the rules and regulations of the district or other owner of such sanitary sewer facilities. (Prior code § 6-11-8)

## **Article 2. Effluent Discharge and Monitoring**

### **13.16.080 Purpose and policy.**

This article sets forth uniform requirements for direct contributors into the wastewater collection and treatment system of the South Davis County sewer improvement district and enables the district to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this article are:

- A. To prevent the introduction of pollutants into the district's wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the district's wastewater system which will pass through the system, inadequately treated, into receiving waters, the atmosphere or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

This article provides for the regulation of direct contributors to the district's wastewater system through the issuance of permits to certain nondomestic users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Prior code § 6-12-1)

### **13.16.090 Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

**"Act" or "the Act"** means the Federal Water Pollution Control Act, P.L. 92-500 also known as the Clean Water Act, including the amendments as made by the Clean Water Act of 1977, P.L. 95-217, and any subsequent amendments.

**"Approval authority"** means the Division of Water Quality of Utah which has an approved state pretreatment program and the Administrator of the EPA.

**Authorized Representative of Industrial User.** An authorized representative of an industrial user may be:

1. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
3. A duly authorized official representative if the user is a governmental entity; or
4. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

**"Board" or "board of trustees"** means the governing body of the South Davis County sewer improvement district.

**"Biochemical oxygen demand (BOD)"** means the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty (20) degrees Celsius expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

**"Building" or "lateral sewer"** means a sewer conveying the wastewater of a user from a residence building or other structure to a sewer, including direct connections to a sewer where permitted. A lateral sewer is a building sewer.

**"Business classification code (BCC)"** means a classification of dischargers based on the 1972 Standard Industrial Classification Manual, Bureau of the Budget of the United States of America.

**"Categorical standards"** means National Categorical Pretreatment Standards or Pretreatment Standard as set forth in the Code of Federal Regulations.

**"Chemical oxygen demand (COD)"** means the oxygen equivalent of that portion of organic matter in a wastewater sample that is susceptible to oxidation by a strong chemical oxidant.

**"Contamination"** means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the environmental and/or public health through poisoning or through the spread of disease, as described in Standard Methods.

**"Control authority"** refers to the general manager of the South Davis County sewer improvement district.

**"Cooling water"** means the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

**"Direct discharge"** means the discharge of treated or untreated wastewater directly to the waters of the state of Utah.

**"Discharger"** means any person who discharges or causes the discharge of wastewater to a district or other publicly owned treatment works (POTW) sewer system.

**"District"** means the South Davis County sewer improvement district.

**"Environmental Protection Agency" or "EPA"** means the U.S. Environmental Protection Agency, or when appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the Agency.

**"Garbage"** means putrescible animal and vegetable waste resulting from the preparation, cooking and dispensing of food and from handling, storage and sale of produce.

**"Grab sample"** means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

**"Holding tank sewage"** means any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, sealed vaults and vacuum pump tank trucks.

**"Indirect discharge"** means the discharge or the introduction of nondomestic pollutants from any source into the district wastewater system (including holding tank waste discharged into the system).

**"Industrial user"** means any user that discharges wastewater from commercial, governmental and/or industrial processes.

**"Interference"** means the inhibition or disruption of the district treatment processes or operations or any disruption which contributes to a violation of any requirement of the district NPDES permit. The

term includes prevention of sewage sludge use or disposal by the POTW in compliance with, any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan) applicable to the method of treatment employed by the district.

**"Manager"** means the chief executive officer of the district or his or her designated representative.

**"National Categorical Pretreatment Standard"** or "pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial user.

**"National Prohibitive Discharge Standard"** or **"prohibitive discharge standard"** means any prohibitive regulation developed under the authority of the Act.

**"New source"** means any wastewater source commenced after the publication of proposed regulations prescribing a categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. When the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

**"National Pollution Discharge Elimination System Permit (NPDES permit)"** means a permit issued pursuant to the Act.

**"Pass-through pollutants"** means the discharge of pollutants which pass through the district's wastewater treatment facilities into waters of the state in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the district's NPDES/UPDES permit including an increase in duration or magnitude of the violation.

**"pH"** means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of a solution.

**"Pollution"** or **"pollutant"** means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water, including, but not limited to, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

**"Pretreatment"** or **"treatment"** means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means unless prohibited by state or federal regulations.

**"Pretreatment requirements"** means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

**"Publicly owned treatment works (POTW)"** means a treatment works which is owned by the state of Utah or one or more political subdivisions having statutory authority to collect and treat sewage, specifically including the district. This definition includes any sewers that convey wastewater to the POTW treatment plant. For the purposes of this regulation, POTW shall also include any sewers that

convey wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW actually users of the POTW.

**"POTW governing authority"** refers to the board of trustees of the district.

**"POTW treatment plant"** means that portion of the POTW designed to provide treatment for wastewater, including specifically the treatment plant and facilities of the district.

**"Receiving water quality requirements"** means requirements for the district's treatment plant effluent established by the district or by applicable state or federal regulatory agencies for the protection of receiving water quality. Such requirements shall include effluent limitations and waste discharge standards, requirements, limitations or prohibitions which may be established or adopted periodically by state or federal laws or regulatory agencies.

**"Rules and regulations"** means the wastewater rules and regulations adopted periodically by the POTW governing authority.

**"Sanitary sewer"** means the pipe or conduit system and appurtenances for the collection, transportation, pumping and treatment of sewage. The definition shall also include the terms "public sewer," "sewer system," "POTW sewer," "sewer" and "district sewer."

**"Sewage"** means the water-borne wastes discharged to the sanitary sewer from buildings for residential, business, institutional, governmental and industrial purposes. Wastewater and sewage are synonymous; thus, they are interchangeable.

**"Significant industrial user (SIU)"** means any industrial user of the wastewater collection or treatment system who: (a) is subject to any categorical pretreatment standard; (b) has a discharge flow of twentyfive thousand (25,000) gallons or more within a twenty-four (24) hour period (excluding sanitary, non-contact cooling and boiler blowdown wastewater); (c) has a process waste stream greater than five percent of the design average dry weather hydraulic or organic capacity of the district's wastewater treatment plant; (d) has in its wastes, toxic pollutants as defined pursuant to the Act or Utah Statutes and Regulations; or (e) is found by the district, the Utah State Water Pollution Control Committee, or the U.S. Environmental Protection Agency (EPA) to have significant impact either singly or in combination with other contributing industries, on the wastewater treatment plant, the quality of sludge, the system's effluent quality or air emissions generated by the system.

**Significant Noncompliance (SNC).** An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
2. Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a pretreatment effluent limit (daily maximum or longerterm average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
6. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic selfmonitoring reports and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; and/or
8. Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

**"Slug"** means any discharge of a nonroutine, episodic nature, including, but not limited to an accidental spill or a noncustomary batch discharge. Slug discharges shall include the discharge of any pollutant in quantities sufficient to cause the district to exceed its NPDES/UPDES discharge limitations.

**"Standard methods"** means procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, the American Water Works Association and the Water Environment Federation or such other procedures as may be adopted by the district.

**"State"** means state of Utah.

**"Standard industrial classification (SIC)"** means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

**"Storm sewer"** means a sewer that carries only storm, surface and groundwater drainage.

**"Stormwater"** means any flow occurring during or following any form of natural precipitation and resulting therefrom.

**"Subdivision"** means the division of a tract, lot or parcel of land into two or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment; provided, however, that divisions of land for agricultural purposes shall be exempt. The word "subdivide" and any derivative thereof shall have reference to the term subdivision as herein defined.

**"Total suspended solids (TSS)"** means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filtering in accordance with procedures set forth in Standard Methods.

**"Toxic pollutant"** means any pollutant or combination of pollutants found to be toxic or stipulated as toxic in regulations promulgated by the administrator or the Environmental Protection Agency under the Act.

**"User"** means any person who contributes, causes or permits the contribution of wastewater into the district wastewater system.

**"Utah Pollutant Discharge Elimination System Permit (UPDES permit)"** means a permit issued by the Water Pollution Control Committee of the state of Utah pursuant to Title 26, Chapter 11 of the Utah Code Annotated 1953, as amended.

**"Viscosity"** means the property of a fluid that resists internal flow by releasing counteracting forces.

**"Wastewater"** means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, governmental facilities, industrial facilities and institutions, together with any infiltrating groundwater, surface water or storm water that may be present, whether treated or untreated, which enters the district wastewater system.

**"Waters of the state"** means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

**"Wastewater discharge permit"** means as set forth in Sections 13.16.220 through 13.16.290.

**"Wastewater treatment facilities"** means the district wastewater collection and treatment lines, facilities and equipment or those of any other POTW.

**"Wastewater strength"** means the quality of wastewater discharged as measured by its elements, including its constituents and characteristics. (Prior code § 6-12-2)

#### **13.16.100 Abbreviations.**

The following abbreviations shall have the designated meanings:

BOD = biochemical oxygen demand

CFR = Code of Federal Regulations

COD = chemical oxygen demand

EPA = Environmental Protection Agency

L = liter

mg = milligrams

mg/l = milligrams per liter

NPDES = National Pollutant Discharge Elimination System

POTW = publicly owned treatment works

SIC = standard industrial classification

SWDA = Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

TSS = total suspended solids

UPDES = Utah Pollution Discharge Elimination System

USC = United States Code (Prior code § 6-12-3)

### **13.16.110 General discharge prohibitions.**

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause a fire or explosion hazard or be injurious in any other way to the POTW or to the operation thereof. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent, nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit, or sixty (60) degrees Celsius using the test methods specified in 40 CFR, Section 261.21 shall be prohibited. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the district, the state or EPA has notified the user is a fire hazard or a hazard to the system;

B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than three-eighths inches in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

C. Any wastewater having a pH less than 5.0 or more than 12.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW;

D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act;

E. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

F. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under

Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used;

G. Any substance which will cause the POTW to violate its NPDES/UPDES permit or the receiving water quality standards;

H. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

I. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature which exceeds one hundred forty (140) degrees Fahrenheit at the POTW treatment plant;

J. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW;

K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the district in compliance with applicable state or federal guidelines;

L. Any wastewater containing pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in quantities which cause a hazard to human life or workers' health or safety or creates a public nuisance;

M. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through; or

N. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

When the district determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the district shall: (1) advise the user(s) of the impact of the contribution on the POTW; and (2) develop effluent limitations for such user to correct the interference with the POTW. (Prior code § 6-12-4)

#### **13.16.120 Federal Categorical Pretreatment Standards.**

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article.

The district shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. (Prior code § 6-12-5)

#### **13.16.130 Modification of Federal Categorical Pretreatment Standards.**

If the district's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the district may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. If approval is granted by the approval authority, the district may then modify pollutant discharge limits in the Federal Pretreatment Standards pursuant to the approval and the provisions of this article shall be considered modified in conformity thereto. (Prior code § 6-12-6)

#### **13.16.140 District's right of revision.**

The district shall have the right to establish by resolution more stringent limitations of requirements or discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 13.16.080. (Prior code § 6-12-7)

#### **13.16.150 Excessive discharge.**

No user shall ever increase the use or quantity of water, process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the district or state. (Prior code § 6-12-8)

#### **13.16.160 Accidental and slug discharge.**

Each user shall provide protection from accidental and slug discharges or prohibited materials or other substances regulated by this article. Facilities to prevent accidental or slug discharges or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense.

Detailed plans showing facilities and operating procedures to provide this protection shall be submitted by all significant industrial users to the district for review, and shall be approved by the district before construction of the facility. All significant industrial users shall complete such a plan by the date specified on the discharge permit. No significant industrial user who commences contribution to the POTW after the effective date of this article shall be permitted to introduce pollutants into the system until accidental and slug discharge procedures have been approved by the district.

#### **An accidental or slug discharge control plan shall include as a minimum:**

- A. A description of discharge practices, including nonroutine batch discharges;
- B. A description of stored chemicals;
- C. Procedures for immediately notifying the POTW of accidental or slug discharges, including any discharge that would violate a specific prohibition, with procedures for follow-up written notification within five days; and
- D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures for emergency response.

The district shall review all accidental and slug control plans at least every two years to determine the plans' continuing adequacy. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility of notifying the user's facility as necessary to meet the requirements of this article. In the case of an accidental or slug discharge, it is the responsibility of the user to immediately telephone and notify the district of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective action. (Prior code § 6-12-9)

#### **13.16.170 Written notice.**

Within five days following an accidental discharge, the user shall submit to the district a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law. (Prior code § 6-12-10)

#### **13.16.180 Notice to employees.**

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge.

Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Prior code § 6-12-11)

#### **13.16.190 Wastes from industrial sites discharged to a POTW by truck, rail, or dedicated pipeline.**

Haulers of septic waste removed from residential customers are subject to the terms and conditions for discharge as contained in Section 13.16.180. Only wastes from residential sewage disposal systems (i.e., septic tank waste, cesspool waste and residential holding tanks) may be discharged into the public sewer system by waste haulers at the discharge point specified by the South Davis County sewer improvement district. Only septage from residential units located within the boundaries of the South Davis County sewer improvement district may be discharged to district facilities. Any wastes, including septic wastes, removed by a hauler from non-residential, industrial or commercial customers are specifically prohibited and may not be discharged into the public sewer system. Discharge of such nonresidential wastes into the public sewer system will constitute a violation and will subject the hauler to the penalties provided for in Sections 13.16.350 and 13.16.360. (Prior code § 6-12-12)

#### **13.16.200 Domestic waste haulers.**

The hauling of septage wastes to the public sewer system shall require a permit from the South Davis County sewer improvement district. Permitted haulers shall be responsible for complying with all the terms and conditions contained in the permit, in addition to Section 13.16.170.

Any person discharging into the public sewer system without a permit or in violation of a valid permit will be subject to the penalties provided for in Sections 13.16.350 and 13.16.360. (Prior code § 6-12-13)

#### **13.16.210 Fees.**

A. Purpose. It is the purpose of this section to provide for the recovery of costs from users of the district's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by the district's schedule of charges and fees.

B. Charges and Fees. The district may adopt charges and fees which may include:

1. Fees or charges for the special treatment of industrial wastes whose volume or characteristics exceed the normal wastewater standards of the district or would impose an unreasonable burden upon the district's collection system or treatment facilities;
2. Fees for monitoring, inspections and surveillance procedures;
3. Fees for reimbursement of costs of setting up and operating the district's pretreatment program;

4. Fees for reviewing accidental discharge procedures and construction;
5. Fees for permit applications;
6. Fees for filing appeals;
7. Fees for consistent removal by the district of pollutants otherwise subject to pretreatment standards; and
8. Other fees as the district may deem necessary to carry out the requirements contained herein. (Prior code § 6-12-14)

#### **13.16.220 Wastewater discharges.**

It is unlawful for any significant industrial user within the city to discharge without a district permit, or for any user to discharge to the POTW any wastewater except as authorized by the district in accordance with the provisions of this article. The district shall have authority to establish program procedures necessary to accomplish the objectives of this article. (Prior code § 6-12-15)

#### **13.16.230 Wastewater discharge permits.**

A. General Permits. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW.

All existing significant industrial users connected to or contributing to the POTW shall obtain a wastewater discharge permit within one hundred eighty (180) days after the effective date of this article. The district shall have the authority to require wastewater discharge permits from any industrial user which: (1) has the potential of becoming a significant industrial user; or (2) otherwise contributes pollutants which may pass through the POTW inadequately treated, interfere with the operation of the POTW or contaminate the sewage sludge.

B. Permit Application. Significant industrial users required to obtain a wastewater discharge permit shall complete and file with the district an application in the form prescribed by the district and accompanied by a fee as outlined in the district's schedule of fees and charges.

Existing significant industrial users shall apply for a wastewater discharge permit within thirty (30) days after the effective date of the article and proposed new significant industrial users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address and location (if different from the address);
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3. Wastewater constituents and characteristics, including, but not limited to, those mentioned in Sections 13.16.110 through 13.16.200, inclusive, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136, as amended;

4. Time and duration of contributions;
5. Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
6. Site plans, floor plans, mechanical and plumbing plans and details showing all sewers, sewer connections and appurtenances by the size, location and elevation;
7. Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
8. When known, the nature and concentration of any pollutants in the discharge which are limited by any district, state or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
9. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.),
  - b. No increment referred to in subdivision (9)(a) of this subsection shall exceed nine months,
  - c. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the district including, as a minimum, whether or not it complied with the increment of progress to be met on such date and if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the district;
10. Each product produced by type, amount, process or processes and rate of production;
11. Type and amount of raw materials processed (average and maximum per day);
12. Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and
13. Any other information as may be deemed by the district to be necessary to evaluate the permit application.

The district will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the district may issue a wastewater discharge permit subject to terms and conditions provided herein.

C. Permit Modification. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. When a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by Section 13.16.130, the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit shall submit to the district within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by subsections (B)(8) and (9) of this section.

D. Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the district. Permits will contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the district's sewer;
2. Limits on the average and maximum wastewater constituents and characteristics, based on applicable general pretreatment standards, categorical pretreatment standards, local limits and state and local laws;
3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule, based on applicable general pretreatment standards, categorical pretreatment standards, local limits and state and local laws;
6. Compliance schedules;
7. Requirements for submission of technical reports or discharge reports (see Section 13.16.240);
8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the district and affording district access thereto;
9. Requirements for notification of the district of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
10. Requirements for notification of slug discharges;
11. Other conditions as deemed appropriate by the district to ensure compliance with this article; and

12. Applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

E. Duration of Permit. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the district during the term of the permit as limitations or requirements as identified in Section 13.16.110 through 13.16.200, inclusive, are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

F. Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation. (Prior code § 6-12-16)

#### **13.16.240 Reporting requirements for permittee.**

A. Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable pretreatment standards or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the district a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

#### **B. Periodic Compliance Reports.**

1. All significant industrial users, after the compliance date of such pretreatment standard or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the district during the months of June and December, unless required more frequently in the pretreatment standard or by the district, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 13.16.230(A). At the discretion of the district and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the district may agree to alter the months during which the above reports are to be submitted.

2. The district may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations are appropriate. In such cases, the report required by Subsection (B)(1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass when requested by the district of pollutants contained therein which are limited by the applicable pretreatment standards.

The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304 (h) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator.

(NOTE: Where 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator.) (Prior code § 6-12-17)

#### **13.16.250 Monitoring facilities.**

The district shall require to be provided and operated at the user's owner expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility shall be situated on the user's premises and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

The sampling and monitoring facilities shall be provided in accordance with the district's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the district. (Prior code § 16-12-18)

#### **13.16.260 Records retention.**

All significant industrial users subject to this article shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analysis made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the city or the district pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

If after monitoring, sampling and testing, etc., the district's industrial pretreatment coordinator deems it necessary that the user pretreat his or her effluent in order to comply with this article, he or she shall do so at his or her own expense and according to the compliance schedule established for the user after being so instructed by the district. (Prior code § 6-12-19)

#### **13.16.270 Inspection and sampling.**

The district may inspect the facilities of any user to ascertain whether the purpose of this article is being met and all requirements hereof are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the district's representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or the performance of any of their duties. In the event the district is refused admission for such purposes, the district may cause sewer service to the premises to be discontinued until reasonable access is provided. The district shall also be permitted to make copies of such of the user's records as are necessary for the proper enforcement of this article. The district's approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling

inspection, compliance monitoring and/or metering operations. At the request of the district, but at user's expense, the user shall do such monitoring and testing, inspection or sampling as the district deems necessary to assure compliance with this article. The results of all such activities shall be made immediately available to the district if requested. When a user has security measures in force which would require proper identification and clearance before entry into his or her premises, the user shall make necessary arrangements with his or her security guards so that upon presentation of suitable identification, personnel from the district approval authority and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. (Prior code § 6-12-20)

#### **13.16.280 Pretreatment.**

Users shall provide necessary wastewater pretreatment or treatment as required to comply with this article and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the district shall be provided, operated and maintained continuously in satisfactory and effective operation at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be acceptable to the district before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the district under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the district prior to the user's initiation of the changes.

The district shall annually publish in the local newspaper a list of the users which were in significant noncompliance with any pretreatment requirements or standards during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user during the same twelve (12) month period. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or district approval authority upon request. (Prior code § 6-12-21)

#### **13.16.290 Confidential information.**

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the district that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or secret processes shall not be made available for inspection by the public. However, these shall be made available upon written request to governmental agencies for uses related to this article, or the National Pollutant Discharge Elimination System (NPDES) Permit; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the district as confidential shall not be transmitted to any governmental agency or to the general public by the district until and unless a ten (10) day notification is given to the user. (Prior code § 6-12-22)

#### **13.16.300 Enforcement authority.**

These rules and regulations and administrative procedures established subsequent to this article are adopted by the city pursuant to state law, city and county ordinances, rules and regulations, including, but not limited to, Title 17A, Chapter 2, Part 3 and Title 19, Chapter 11-5 of the Utah Code Annotated 1953, as amended, for the purpose of enforcing the provisions contained herein.

The city may take appropriate enforcement actions in accordance with its enforcement response program as adopted and as amended periodically. (Prior code § 6-12-23)

#### **13.16.310 Administrative enforcement.**

In responding to any violations of these rules and regulations, an industrial user's discharge permit and any other applicable laws, rules or regulations, the district may incorporate and pursue one or more of the following administrative enforcement actions and/or remedies. Nothing contained herein shall be deemed to preclude the district from utilizing one or more enforcement responses as part of its enforcement process. (Prior code § 6-12-24)

#### **13.16.320 Harmful contributions.**

The district may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the district, to prevent an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the district to violate any condition of its NPDES/UPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge.

In the event of a failure of the person to comply voluntarily with the suspension order, the district shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The district shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the district within fifteen (15) days of the date of occurrence. (Prior code § 6-12-25)

#### **13.16.330 Revocation of permit.**

Any user who violates the conditions of this article or applicable state and federal regulations, is subject to having his or her permit revoked in accordance with the procedures of Sections 13.16.190 through 13.16.350 of this article. The following acts or omissions shall be grounds for revocation of a permit:

- A. Failure to factually report the wastewater constituents and characteristics of his or her discharge;
- B. Failure to report significant changes in operations or wastewater constituents and characteristics;
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- D. Failure to submit, within thirty (30) days of due date, self-monitoring report data as required in the user's wastewater discharge permit; and/or
- E. Violations of any conditions of the permit, any conditions or provisions of this article or any final judicial order entered with respect thereto. (Prior code § 6-12-26)

#### **13.16.340 Notification of violation.**

Whenever the district finds that any user has violated or is violating any provision of this article, his or her wastewater contribution permit, or any prohibition, limitation or requirement contained herein, the district shall serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the service of such notice, the user shall respond in writing to the district, advising of his or her position with respect to the allegations and submitting a plan for the satisfactory correction thereof. (Prior code § 6-12-27)

#### **13.16.350 Methods of notification.**

Any notification required herein shall be served either personally or by registered or certified mail. (Prior code § 6-12-28)

#### **13.16.360 Show cause hearing.**

A. Notice of Hearing. When the violation of Section 13.16.340 is not corrected by timely compliance by means of administrative adjustment the district may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before its board of trustees why the proposed enforcement action should not be taken. A written notice shall be served on the user specifying the time and place of a hearing to be held by the board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board why the proposed enforcement action should not be taken. The notice of the hearing shall be sent by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation, or upon any agent, officer or authorized representative of a user.

B. Conduct of Hearing. The board may conduct the hearing and take the evidence or may designate any of its members or any employee of the district to:

1. Issue in the name of the district, notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence; and
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

C. Order of Board. After the board has reviewed the evidence it may issue an order to the user responsible for the discharge which order shall direct that following a specified time period, the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued. This includes consent agreements. The board or its agent are empowered to enter into consent agreements, assurances of voluntary compliance or other similar documents establishing an agreement with the person responsible for the non-compliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a specified time period; and agreed upon penalties for past and on-going violations and for failure to perform any items in the agreement.

D. Right of Appeal. Any user or any interested party shall have the right to request in writing an interpretation or ruling by the district on any matter covered by this article and shall be entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this article for which enforcement activity relating to an alleged violation is the subject, receipt of a user's request shall stay all enforcement proceedings

pending receipt of the aforesaid written reply; provided, however, that the district may nevertheless take such action as it deems necessary to prevent or minimize damage to the POTW, to the environment or to the health and welfare of persons.

E. Legal Action. If any person discharges sewage, industrial wastes or other wastes into the district's wastewater disposal system contrary to the provisions of this article, state or federal pretreatment requirements, or any order of the district, the district's attorney may commence an action for appropriate legal and/or equitable relief in the court of this county. (Prior code § 6-12-29)

### **13.16.370 Civil penalties.**

Any user who violates any of the provisions of this article, who discharges or causes a discharge producing a deposit or obstruction, causes damage to or impairs the POTW, who is found to have violated an order of the governing body of the POTW or who fails to comply with any orders, rules, regulations and permits issued hereunder shall be liable to the district for any expenses, loss or damage caused to the POTW by such violation or discharge. The district shall bill the user for the costs incurred by the district for any testing, analysis, cleaning, repair or replacement work caused by the violation or discharge.

Refusal to pay the assessed costs shall constitute a violation of this article, enforceable under the provisions of this article or other applicable law. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the district may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules, regulations and permits issued hereunder. Following are additional civil penalties which may apply:

A. Fines. The district shall have the authority to seek civil penalties in the amount of one thousand dollars (\$1,000.00) per day for each violation by industrial users of any pretreatment standards or requirements.

B. Civil Fine Pass Through. In the event that an industrial user discharges such pollutants which cause the district to violate any condition of its NPDES/UPDES permit and the district is fined by EPA or the state for such violation, then such user shall be fully liable for the total amount of the fine assessed against the district by the EPA or the state and for all administrative costs incurred. (Prior code § 6-12-30)

### **13.16.380 Criminal penalties--Violating article or falsifying information.**

It is unlawful and a Class B misdemeanor for any user to:

A. Intentionally, knowingly, recklessly or with criminal negligence violate any of the provisions of this article or discharge or cause a discharge into the POTW which produces a deposit or obstruction or causes damage thereto or impairs the same;

B. Knowingly make any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or wastewater contribution permit or falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter;

C. Knowingly, recklessly or with criminal negligence violate any duly adopted rule or regulation of the district; or

D. Knowingly, recklessly or with criminal negligence discharge or permit or allow to be discharged into the district's sewer system any priority pollutant exceeding the limitations established by the district.

The district shall investigate and report all violations of the provision of this section within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

The charging of a criminal offense, conviction and/or imposition of sentence shall not in any way preclude the district from pursuing civil remedies. (Prior code § 6-12-31)

#### **13.16.390 Building permits.**

For the more efficient administration of the provisions of this article and to assist the district in the administration of its wastewater control program, the district shall endeavor to secure from the building inspector of each city within the district and from Davis County, within thirty (30) days of the issuance thereof, a copy of each commercial or industrial building permit and/or business license issued by the authority. (Prior code § 6-12-32)

#### **13.16.400 Assessment of penalties against violating industrial users.**

In the event any industrial user should violate any of the terms and provisions of the fully adopted rules and regulations of the district relating to wastewater control, thereby resulting in a fine or penalty being assessed against the district or against Davis County or any city within the district by the Environmental Protection Agency or any other state or federal agency, such violating industrial user shall be responsible for payment of such penalty or fine to the district and/or city or county in the same amount of the fine or penalty levied against the district, city or county. (Prior code § 6-12-33)

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### **Chapter 13.20 BACKFLOWS AND CROSS CONNECTIONS**

Sections:

13.20.010 Purpose.

13.20.020 Definitions.

13.20.030 City responsibility.

13.20.040 Consumer responsibility.

13.20.050 Plumbing official responsibility.

13.20.060 Certified backflow assembly technicians', surveyors' or repair persons' responsibilities.

13.20.070 Policy and requirements.

13.20.080 Violations--Penalties.

### **13.20.010 Purpose.**

It is the purpose of this chapter to accomplish the following:

A. Protect the safe drinking water supply of the city from the possibility of contamination or pollution by requiring compliance with state and local plumbing codes, health regulations, OSHA, and other applicable industry standards for water system safety within the consumer's internal distribution system or private water system.

Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water systems;

B. Promote reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system of the consumer, as required by state and local plumbing codes, health regulations, OSHA and other applicable industry standards to assure water system safety; and

C. Provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all drinking water systems. (Prior code § 6-7-1)

### **13.20.020 Definitions.**

For the purposes of this chapter, the following terms shall have the meanings set forth hereafter:

"Approved backflow assembly" means those assemblies accepted by the Utah Department of Health, Bureau of Drinking Water/Sanitation, as meeting an applicable specification or as suitable for the proposed use.

"**Auxiliary water supply**" means any water supply on or available to the premises, other than the superintendent's public water supply. These auxiliary waters may include water from another superintendent's public potable water supply or any natural source, such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids."

These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water superintendent does not have authority for sanitary control.

"**Backflow**" means the reversal of the normal flow of water caused by either backpressure or back-siphonage.

"**Backflow prevention assembly**" means an assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained in the Utah Plumbing Code, Chapter 10 (Appendix J), and the Cross Connection Control Program for Utah.

"**Back-pressure**" means the flow of water or other liquids, mixtures or substances under pressure into the feeding distribution pipes of a potable water supply system from any source other than the intended source.

"**Back-siphonage**" means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.

**"Contamination"** means a degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials.

**"Cross connection"** means any physical connection or arrangement of piping or fixtures which may allow nonpotable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system.

This would include any temporary connections, such as swing connections, removable sections, four way plug valves, spools, dummy sections of pipe, swivel or changeover devices or sliding multiport tubes or other plumbing arrangements.

**"Cross connection--containment"** means the installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

**"Cross connection--controlled"** means a connection between a potable water system and a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

**"Water superintendent"** means the person designated to be in charge of the water department of the city who is invested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this chapter. (Prior code § 6-7-2)

#### **13.20.030 City responsibility.**

A. Drinking water system surveys/inspections of the consumer's water distribution system shall be conducted or caused to be conducted by individuals deemed qualified by and representing the city. Survey records shall indicate compliance with the aforementioned health and safety standards. All such records will be maintained by the city.

B. The city shall notify all consumers in writing of the need for periodic system surveys to insure compliance with existing applicable minimum health and safety standards.

C. The selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey. (Ord. 263-99 (part); prior code § 6-7-3)

#### **13.20.040 Consumer responsibility.**

A. Compliance with this chapter as a term and condition of supply and consumer's acceptance of service is admittance of his or her awareness of these provisions.

B. It shall be the responsibility of the consumer to purchase, install, test and maintain any backflow prevention device or assembly required to comply with this chapter. (Prior code § 6-7-4)

#### **13.20.050 Plumbing official responsibility.**

A. The water superintendent of the city shall be the plumbing official and shall have the responsibility to enforce the applicable sections of the plumbing code beginning at the point of service (downstream or consumer side of the meter) and continuing throughout the developed length of the consumer's water system.

B. The water superintendent will review all plans to ensure that unprotected cross connections are not an integral part of the consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the Utah Plumbing Code.

C. Water vacating the drinking water supply must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the Utah Plumbing Code. (Prior code § 6-7-5)

#### **13.20.060 Certified backflow assembly technicians', surveyors' or repair persons' responsibilities.**

A. Whether employed by the consumer or the city or any utility to survey, test, repair or maintain backflow prevention assemblies, the certified backflow technicians, surveyors, or repair persons will have the following responsibilities:

1. To insure that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies;
2. To make reports of such testing and/or repair to the consumer, water superintendent, and the Bureau of Drinking Water/Sanitation on forms approved for such use by the Bureau of Drinking Water/Sanitation, and within the time frames prescribed by the Bureau. Such report shall include the list of materials or replacement parts used;
3. To insure that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired;
4. To insure that the design, material or operational characteristics of the assembly are not changed during testing, repair or maintenance;
5. To determine that a certified technician shall perform all tests of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all tests and reports;
6. To insure that the certified technician's license is current, and that the testing equipment being used is acceptable to the state and is in proper operating condition;
7. To be equipped with and be competent to use all necessary tools, gauges, and other equipment necessary to properly test and maintain backflow prevention assemblies; and
8. To insure that the certified technician conducting the test tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date of the test, and the name and license number of the technician conducting the test.

B. In the case of a consumer requiring a commercially available technician, any certified technician is authorized to make the test and the report the results of that test to the consumer,

water superintendent, and the Bureau of Drinking Water Sanitation. If such a commercially tested assembly is in need of repair, such repair will be made in accordance with UCA 58-56-4, UAC Rules 156-56-701(1)(b)--(f). (Ord. 264-00 (part); prior code § 6-7-6)

### **13.20.070 Policy and requirements.**

A. No water service connection to any premises shall be installed or maintained by the public water superintendent unless the water supply is protected as required by state laws, regulations, codes and this chapter. Service of water to a consumer found to be in violation of this chapter shall be discontinued by the water superintendent after due process of written notification of violation and an appropriate time suspension for voluntary compliance if:

1. A backflow prevention assembly required by this chapter for control of backflow and cross connections is not installed, tested, and maintained;
2. If it is found that a backflow prevention assembly has been removed or by-passed;
3. If an unprotected cross connection exists on the premises; or
4. If the periodic system survey has not been conducted, service will not be restored until such conditions or defects are corrected.

B. The customer's system shall be open for inspection at all reasonable times to authorized representatives of the water superintendent to determine whether cross connections or other structural or sanitary hazards, including violation of this chapter, exist and to audit the results of the survey required by Section 13.20.030(B).

C. Whenever the public water superintendent deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line, or immediately inside the building being served, but in all cases, before the first branch leading off the service line. The type of protective assembly required shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.

D. All presently installed backflow prevention assemblies which do not meet the requirements of this section, but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements set forth in subsection E of this section, be excluded from the requirements of these rules so long as the water superintendent is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location, or requires more than minimum maintenance, or when the water superintendent finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.

E. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys, inspections, and operational tests made at least once per year at the consumer's expense. In those instances when the public water superintendent deems the hazard to be great, he or she may require certified surveys, inspections and tests at a more frequent interval. It shall be the duty of the public water superintendent to see that these tests are made according to the standards set forth by the State Department of Health, Bureau of Drinking Water/Sanitation.

F. All backflow prevention assemblies shall be tested within ten working days of initial installation.

G. No backflow prevention assembly shall be installed so as to create a safety hazard, i.e., installed over an electrical panel, steam pipes, boilers, pits, or above ceiling level. (Prior code § 6-7-7)

### **13.20.080 Violations--Penalties.**

If violations of this chapter exist, or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of deficiencies noted within the survey, the public water superintendent shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition in conformance with the state and city statutes relating to plumbing, safe drinking water supplies, and the regulations adopted pursuant thereto. (Prior code § 6-7-8)

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## **Chapter 13.30 STORM SEWER UTILITY**

Sections:

13.30.010 Purpose.

13.30.020 Definitions.

13.30.030 Utility Facilities and Asset operations and maintenance.

13.30.040 Service fee and connection fees rates.

13.30.050 Billing for utility service.

13.30.060 Approved discharge to the storm sewer system.

13.30.070 Regulations.

### **13.30.010 Purpose.**

The purposes and objectives of this chapter are to (a) provide and maintain an adequate storm sewer system for handling storm water runoff; (b) provide fair, equitable and non-discriminatory rates for using the storm sewer collection system which user fees will generate sufficient revenues for operating, improving and maintaining the storm sewer utility adequately; after considering such factors as: 1. Types of development on land parcels; 2. Cost of maintaining, operating, repairing, and improving the system; 3. Cost of compliance with the Utah Pollutant Discharge Elimination System (UPDES) permit; 4. Quantity and quality of run-off generated; and 5. Other factors that are considered from time to time.; and (c) Establish standards and guidelines for the discharge of storm sewer water which comply with the UPDES permit.

### **13.30.020 Definitions.**

For the purpose of this chapter, the following terms, phrases and words shall mean:

**“City”** -- West Bountiful City

**“County”** – Davis County

**“Council”** – West Bountiful City Council

**“Customer”** – Any individual; public or private corporation and its officers; partnerships; associations; firm; trustee; executor of an estate; the State of Utah or its departments; institutions; bureaus; agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.

**“Equivalent Residential Unit (ERU)”** – An ERU is equal to 4460 square feet of impervious surface area. This is based on a single-family residential parcel, which has an average of 4460 square feet of impervious surface.

**“Impervious Surface”** – A parcel’s hard surface area that causes water to run off it’s surface in quantities or speeds greater than under natural vegetative covered conditions. Some examples for impervious surfaces are rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots, storage areas and compacted gravel surfaces.

**“Mitigation”** – Storm sewer control facilities located on a parcel, which either holds runoff for a short period of time before releasing it to the storm sewer system, or holds water until it evaporates or infiltrates into the ground.

**“Parcel”** – The smallest, separately segregated unity of land having an owner. A parcel has boundaries and surface area and is documented with a property identification number by the County.

**“Developed Parcel”** – Any parcel whose surface has been altered by grading, filling or construction of any improvement.

**“Utah Pollutant Discharge Elimination System (UPDES)”** – The provisions of the Federal Clean Water Act, administered by the State of Utah, Division of Water Quality through either a General Permit or a Co-Permit”

**“Single Family Residential Parcel”** – Any parcel of land containing a single family dwelling unit.

**“Storm Sewer” or “Storm Water”** – Water produced by storms, surface drainage, snow and ice melt, and other water handled by or introduced into the storm sewer system.

**“Storm Sewer System”** – All man-made storm drainage facilities and conveyances, and natural drainage channels owned and maintained by the City that store, convey, control, treat and/or collect storm water.

**“Storm Sewer Facility”** – Any facility, improvement, development, or property made for controlling storm water quantity and quality.

**“Storm Sewer Utility” or “Utility”** – The utility created by ordinance to operate, maintain, and improve the storm sewer facilities and programs of West Bountiful City.

**“Undeveloped Parcel”** – Any parcel that has not been altered by grading, filling, or construction.

### **13.30.030 Utility Facilities and Asset operations and maintenance.**

The Utility shall operate, maintain, and improve all facilities that comprise and make up the storm sewer system beginning at a point where the storm water enters the storm sewer system of the city and ending at a point where the storm water exits to a County owned channel or facility, or where the storm water exits to water of the State of Utah. The Utility does not maintain government owned streets, pipes, channels, facilities operated by the County, State of Utah or other governmental agencies.

#### **13.30.040 Service fee and connection fees rates.**

A. The connection fee for residential and commercial developments shall be established by resolution as defined in Chapter 16.28.130 of the City code.

B. Service fees for residential and commercial developments shall be established by resolution from time to time by the City Council.

(1.) The fee shall be imposed on each developed parcel of real property within the City.

a. Exceptions – Public School parcels, Public and Quasipublic buildings, governmentally-owned streets; industries and applications that have a qualifying Phase I NPDES discharge permit.

(2.) Single Family Residential parcels shall each be considered one ERU regardless of the development zone designation or the amount of impervious surface.

(3.) The ERU for other parcels shall be computed by dividing the total square footage of impervious surface by the residential ERU of 4460, rounded to the nearest whole number.

C. Credit for on-site or on-parcel mitigation shall be as follows:

(1.) Non-residential parcels which provide on-site storm water mitigating features which control either the peak discharge rate or the daily load of pollutant discharge or both shall be eligible for a service fee credit.

(2.) The credit shall be based on the formula  $P = 45 + 30(Q_r / Q_p) + 25(1 - (A_f / A_i))$ , where P is the percentage applied to the ERU assessment, 45 is the percentage representing the fixed Utility operations and maintenance fee, 30 is the percentage representing capital improvement costs, 25 is the percentage representing pollution treatment costs,  $Q_r$  is the restricted storm water discharge rate,  $Q_p$  is the peak discharge rate without restriction,  $A_f$  is the area of filtration provided in mitigation improvements and  $A_i$  is the total approved area containing mitigation.

The credit percentages may be adjusted from time to time as determined by the City Engineer.

(3.) Credit may be given for participation in a regional mitigation improvement based on the same percentage presented in paragraph (2) above.

#### **13.30.050 Billing for utility service.**

The fee shall be paid as defined in Chapter 13.04.090 of the City Code.

#### **13.30.060 Approved discharge to the storm sewer system.**

The only substance which may be discharged to the City's storm sewer system is storm water from surface drainage, subsurface drainage, groundwater, roof drainage, and non-polluted cooling water. Such water may be discharged only into systems with adequate capacity to accommodate such water as determined by the City Engineer. Such water shall comply with quality standards of this chapter.

**13.30.070 Regulations.**

A. The City Council shall establish by resolution such regulations governing the storm sewer system of the city, the manner of making connections to the system, the materials to be used in the system, the quality of discharge from approved connections, and other regulations as may be necessary for the operation of the storm sewer system. The regulations shall include all parts of the Storm Water Management Plan (SWMP) required as part of UPDES permit application.

B. In the absence of a duly appointed storm sewer superintendent, the public works director or his or her agent shall act in the place of the superintendent.